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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			SCHNUERR, JOHN R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/090,803	<b>Applicant(s)</b> HOUGHTON, WILLIAM C.
	<b>Examiner</b> JOHN R. SCHNURR	<b>Art Unit</b> 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34, 36, 38 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34, 36, 38 and 40-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_



### **DETAILED ACTION**

1. This Office Action is in response to the Amendment after Non-Final Rejection filed 03/13/2008. Claims 1-34, 36, 38 and 40-43 are pending and have been examined.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34, 36, 38 and 40-43 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-14, 17, 18, 22, 23, 25, 26, 30, 31, 40, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021).

As regards Claims 1, 36, and 38, Kurland discloses a method, apparatus, and computer readable medium for polling interactive television viewers, the method comprising: identifying a pool of two or more entry elements; selecting entry elements such that subsets of entry elements are defined (such as responses to particular questions); configuring at least one polling request, each polling request including one of the subsets of entry elements, and each polling request prompting a viewer to evaluate at least some of the entry elements (these steps are necessary in the

preparation of a market questionnaire to be distributed to panelists, cols. 3 and 4, lines 47-68 and 1-6); preparing a first evaluation round that includes at least the polling request (cols. 7 and 8, lines 61-68 and 1-11) connecting to one or more interactive television viewers (col. 10, lines 14-17); sending the first evaluation round to the one or more set top systems of the one or more interactive viewers (the device comprising figs. 31.34, 31.108, and 31.106 functions as a set top box with up stream connectivity through modem, 31.26, fig. 31.14a, cols. 9 and 10, lines 58-68 and 1-24); receiving responses to the first evaluation round (col. 7, lines 49-51); tallying the number of times that each of the entry elements has been selected by users participating in the first evaluation round (In order to identify the most popular elements for the second pool of revised elements the responses must be tallied, col. 7, lines 49-52); identifying, in response to tallying, a second pool of revised elements that reflect more popular elements as identified in the first evaluation round such that the second pool includes fewer elements than the first pool (identifying popular elements in survey results is basic analysis and further requires that the "most popular" results are fewer the possible results is said results are meaningful, col. 7, lines 49-52); selecting revised elements such as that subsets of revised elements are defined; configuring at least one second polling request, each second polling request prompting a viewer to evaluated the revised elements, and preparing a subsequent evaluation round that includes at least the second polling request (fig. 3 shows that a questionnaire generally has more than one question, col. 7, lines 49-57).

Kurland does not disclose that the polling request in the first round enables a first user to select one of the entry elements multiple times to indicate a relative preference for the one entry element with respect to other entry elements and the response to the first polling request includes an indication of the number of times the entry elements were selected by the first user.

Oko discloses that a polling request enables a first user to select one of the entry elements multiple times to indicate a relative preference for the one entry element with respect to other entry elements and the response to the polling request includes an indication of the number of times the entry elements were selected by the first user. (Fig. 3 shows a viewer is able to vote for a selected element multiple times, col. 5 line 66 to col. 6 line 21.)

At the time of the invention, it would have been obvious to one skilled in the art to combine the multiple selections of the same entry elements to indicate a relative preference of Oko, an analogous art, to the polling system of Kurland to allow the system to determine the strength of viewer selections.

Kurland and Oko do not disclose that each second polling request including one of the subsets of revised elements.

Shah-Nazaroff discloses that each second polling request including one of the subsets of revised elements (Shah-Nazaroff discloses, on figs. 4, 6, and 7, questionnaires with a variety of questions and with several possible selections. Some questions have 3 possible responses. Some have two. Some have seven. Others can

require other types. Shah-Nazaroff discloses the possibility to limit the possible responses of questions to a subset of responses of an arbitrary nature if desired).

At the time of the invention, it would have been obvious to one skilled in the art to combine the polling requests of Shah-Nazaroff, an analogous art, to the combined systems of Kurland and Oko to allow more effective and focused responses from the panelist.

Kurland, Oko and Shah-Nazaroff do not disclose that configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements in a first evaluation round, and each second polling request prompting a viewer to evaluate the revised elements selected from a second pool. Chung discloses that configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements in a first evaluation round, and each second polling request prompting a viewer to evaluate the revised elements selected from a second pool (paragraphs 169 and 171).

At the time of the invention it would have been obvious to one skilled in the art to combine the runoff system of Chung, an analogous art, to the system of Kurland, Oko and Shah-Nazaroff so that a clearly popular choice can be made by the poll takers.

As regards Claim 2, Kurland discloses the method of claim 1 but fails to disclose that the first and second polling requests have two different sets of elements. Shah-Nazaroff discloses that the first and second polling requests have two different sets of elements (fig. 4, questions and answers to "Do you approve of the President's

Performance in the Office" and "Your approval of the President's performance in Office has" are different).

At the time of the invention, it would have been obvious for one skilled in the art to combine the survey format of Shah-Nazaroff, an analogous art, with the questionnaire method of Kurland to give the user a variety of questions to respond to with a variety of answers.

As regards Claim 4, Oko further discloses establishing a time limit for responses to the first evaluation round; tallying the number of times each of the entry elements has been selected by users based on responses to the first evaluation received prior to the expiration of the time limit and ignoring responses received after expiration of the time limit. (The network server displays the poll question according to a schedule and tallies only the votes received from the users during the time limit defined by the schedule, col. 7 lines 33-48.)

At the time of the invention, it would have been obvious for one skilled in the art to combine the time limits of Oko, an analogous art, to the survey method of Kurland to obtain results for time dependant questions.

As regards Claim 5, Oko further discloses establishing the time limit comprises establishing a predetermined, fixed time period that begins when the first evaluation round is initially broadcast to interactive television viewers. (col. 7 lines 33-37)

As regards Claim 6, Oko further discloses the fixed time period corresponds to the opening sequence of a television program; determining features to broadcast during the remainder of the broadcast television program based on responses to the first

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evaluation round received during the predetermined, fixed time period that corresponds to the opening sequence of the broadcast television program without regard for responses to the first evaluation round received after the predetermined, fixed time period that corresponds to the opening sequence of the broadcast television program and broadcasting the remainder of the broadcast television program based on the determined features. (Based upon a predetermined schedule viewers are polled to determine content to be broadcast during future portions of a television program, col. 7 lines 28-48.)

As regards Claim 7, Oko further discloses broadcasting content, other than results of the first evaluation round, to the interactive television viewers based on evaluating the responses to the first evaluation round. (col. 6 lines 30-44)

As regards Claim 8, Oko further discloses broadcasting the particular content includes broadcasting a graphical user interface. (an interactive game, col. 4 lines 49-52)

As regards Claim 9, Oko further discloses the particular content includes broadcasting particular music based on evaluating the responses to the first evaluation round. (col. 8 lines 43-44)

As regards Claim 10, Oko further discloses broadcasting particular content to the interactive television viewers comprises broadcasting a particular television show based on evaluating the responses to the first evaluation round. (col. 8 lines 51-53)

As regards Claim 11, Kurland further discloses designating polling rules for targeting the interactive television viewers (such as demographic data, col. 7, lines 57-60).

As regards Claim 12, Kurland discloses the method of Claim 11 but fails to disclose determining context information of interactive television viewers. Shah-Nazaroff discloses determining context information of interactive television viewers (such as what program they are watching or just watched, paragraph 25).

At the time of the invention, it would have been obvious for one skilled in the art to combine the context information of Shah-Nazaroff, an analogous art, to the survey method of Kurland to ask more specific questions, perhaps questions relating to the program just watched.

As regards Claim 13, Kurland discloses applying the targeting rules to the context information to identify targeted interactive television viewers (such as by demographic data, col. 7, lines 57-60).

As regards Claim 14, Shah-Nazaroff discloses that determining the context information includes determining television programming currently being viewed by an interactive television viewer and identifying the interactive television viewer as a candidate for the first round evaluation based on the television programming currently being viewed (Feedback questionnaire is provided to a viewer of a particular program during viewing, paragraph 25).

As regards Claim 17, Shah-Nazaroff discloses determining television programming currently being tuned to by set top box systems of interactive television

viewers that are potential candidates for the first evaluation round (Feedback questionnaire is provided to a viewer of a particular program during viewing, paragraph 25).

As regards Claim 18, Shah-Nazaroff discloses determining television programming currently being tuned to by set top box systems comprises determining television programming currently being tuned to by set top box systems based upon a television signal received by a set top box. (paragraph 43).

As regards Claim 21, Kurland discloses creating a list of set top systems to receive the questionnaire and sending the questionnaire to the set tops tagged by the head end (col. 7 lines 38-60). Shah-Nazaroff discloses providing a questionnaire to viewers of a particular program (paragraph 25).

As regards Claim 22, Shah-Nazaroff further discloses determining television programming currently being tuned to based upon a television series (Shah-Nazoff deals with providing surveys about programming such as in fig. 4, paragraph 44, and this programming can take on a variety of forms such as television series which oftentimes are sitcoms, paragraph 22).

At the time of the invention, it would have been obvious for one skilled in the art to combine the tailoring of polling requests as done in Shah-Nazaroff with the survey method of Kurland so that the survey is most effective at gathering the opinions of the viewers.

As regards Claim 23, Shah-Nazaroff further discloses determining television programming currently being tuned to based upon a television series (Shah-Nazoff

deals with providing surveys about programming such as in fig. 4, paragraph 44, an this programming can take on a variety of forms such an episode of a television show which oftentimes are sitcoms or a news segment, paragraph 22).

At the time of the invention, it would have been obvious for one skilled in the art to combine the tailoring of polling requests as done in Shah-Nazaroff with the survey method of Kurland so that the survey is most effective a gathering the opinions of the viewers.

As regards Claim 25, Shah-Nazaroff discloses determining television programming currently being tuned to based on a program content category (such as asking specific questions about news broadcast, fig. 4, or children's film, fig. 6).

At the time of the invention, it would have been obvious for one skilled in the art to combine the tailoring of polling requests as done in Shah-Nazaroff with the survey method of Kurland so that the survey is most effective a gathering the opinions of the viewers.

As regards Claim 26, Shah-Nazaroff discloses prompting the interactive television viewer to select one element in the polling request of two or more elements (such as asking if approval increased or decreased or stayed the same, fig. 4).

At the time of the invention, it would have been obvious for one skilled in the art to combine the tailoring of polling requests as done in Shah-Nazaroff with the survey method of Kurland so that the survey will be intuitive and easy to fill out by the user.

As regards Claim 30, Shah-Nazaroff discloses that evaluating the responses includes determining which element in the polling request received the most votes irrespective of how many of those votes were received from the same user (fig. 5).

As regards Claim 31, Shah-Nazaroff discloses that determining two or more elements in the new polling request includes a least selected element in a first polling request and a least selected element in a second polling request (Shah-Nazaroff shows which element receives the least votes as well, fig. 5, and this could be used as the criterion for advancing in the tournament. This could be used in combination with the "run-off" method of Chung).

As regards Claim 40, Shah-Nazaroff further discloses that at least one of he subsets of entry elements shares a common entry element with another of he subsets of entry elements (fig. 6).

As regards Claim 41, Kurland discloses selecting the more popular elements from the first evaluation round for the second pool. Oko discloses single viewers voting multiple times, therefore the most popular selection could have a lower number of individual voters than a less popular selection.

As regards Claim 43, Kurland discloses identifying, in response to tallying, the second pool of revised elements comprises using sampling techniques to identify the second pool of revised elements based on a subset of responses received for the first evaluation round (col. 7 lines 38-60).

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5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Lett (US 5,539,822).

As regards Claim 3, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of claim 1 but fails to disclose that each element appearing in the set of polling requests is different from the every element appearing in the set of polling requests. Lett discloses that each element appearing in the set of polling requests is different from the every element appearing in the set of polling requests (fig. 3H).

At the time of the invention, it would have been obvious for one skilled in the art to combine the survey format of Lett, an analogous art, with the questionnaire method of Kurland, Oko, Shah-Nazaroff, and Chung to give the user a variety of answers to use when responding to questions.

6. Claims 15 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Eldering (US 7,150,030)

As regards Claim 15, Kurland discloses comparing targeting rules with user demographic information to identify the interactive television viewer as a candidate for the first evaluation round (col. 7 lines 38-60). Shah-Nazaroff further teaches determining television programming currently being viewed comprises determining the

television programming currently tuned by a set top box (paragraphs 42, 43, and paragraph 53, lines 11-18). Eldering discloses deriving demographic information about an interactive television viewer based on the television programming being viewed. (col. 4 lines 3-43)

At the time of the invention, it would have been obvious for one skilled in the art to combine the method of deriving demographic information of Eldering, an analogous art, with the questionnaire method of Kurland, Oko, Shah-Nazaroff, and Chung to provide more closely targeted questionnaires.

As regards Claim 34, Lett discloses that the set of polling requests includes sending a display to overlay television programming (col. 16, lines 33-36).

At the time of invention, it would have been obvious for one skilled in the art to use an overlay to display the survey, as done in Lett, an analogous art, to the survey method of Kurland and Shah-Nazaroff so that the survey is easily accessible to the viewer.

7. Claims 16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Belmont (US 5,819,156).

As regards Claim 16, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 14 but fail to disclose that determining television programming being

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viewed comprises determining the television programming using an EPG. Belmont discloses that determining television programming being viewed comprises determining the television programming using an EPG (col. 3, lines 53-65).

At the time of the invention, it would have been obvious to one skilled in the art to combine the television programming identification system of Belmont, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to make sure that the questionnaire is appropriate for the program just watched.

As regards Claim 19, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 17 but fail to disclose determining television programming currently being tuned to by set top box systems comprises determining television programming currently being tuned to by set top box systems based upon a channel identification number. Belmont discloses determining television programming currently being tuned based upon a channel identification number (by tracking channels watched and cross-referencing them with a program guide, col. 3, lines 53-65).

At the time of the invention, it would have been obvious to one skilled in the art to combine the channel identification system of Belmont, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to make sure that the questionnaire is appropriate for the program just watched.

As regards Claim 24, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 17 but fail to disclose determining television programming currently being tuned to based upon an EPG identity. Belmont discloses determining television programming currently being tuned to based upon an EPG identity (by tracking

channels watched and cross-referencing them with a program guide, questions could then be tailored, col. 3, lines 53-65).

At the time of the invention, it would have been obvious to one skilled in the art to combine the program identification based on EPG data of Belmont, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to make sure that the questionnaire is appropriate for the program just watched by the viewer.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Aras (US 5,872,588).

As regards Claim 20, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 17 but fail to disclose determining television programming currently being tuned to by set top box systems comprises determining television programming currently being tuned to by set top box systems based upon broadcast identifier. Aras discloses determining programming currently being tuned based upon a channel identification number (by embedding the broadcaster ID inside the tag, it becomes easy to identify the broadcaster, col. 8, lines 52-65).

At the time of the invention, it would have been obvious to one skilled in the art to combine the broadcaster identification system of Aras, an analogous art, with the survey

system of Kurland, Oko, Shah-Nazaroff, and Chung to make sure that the questionnaire is appropriate for the program just watched.

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Conway (US 5,839,725).

As regards Claim 28, Kurland discloses identifying the most popular selection from a group of choices using successive questionnaires. However, Kurland, Oko, Shah-Nazaroff, and Chung fail to disclose first and second evaluation rounds, in which the entry elements are different in each round, and a third evaluation round where the most popular choices from the first and second rounds are used for the entry elements. Conway discloses a method of selecting one entry from a plurality of entries, in which two entries are compared in a first round and two different entries are compared in a second round and the winners from the first two rounds are compared in a third round (Fig. 1, col. 2 lines 23-39)

At the time of the invention, it would have been obvious to one skilled in the art to combine the evaluation feature of Conway, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to provide a fair method of determining the most popular choice.

As regards Claim 29, Conway discloses continuing the rounds until only one entry remains (Fig. 1).

10. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of McKissick (US 2006/0190966).

As regards Claim 32, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 1 but fail to disclose sending a set of polling requests includes sending an instant message. McKissick discloses sending a set of polling requests includes sending an instant message (McKissick makes it clear any message with any content can be sent to a set top box in a timely fashion using an instant message, paragraph 88).

At the time of the invention, it would have been obvious to one skilled in the art to combine the instant messaging of McKissick, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to provide a widely known and reliable way to send the survey to the user.

As regards Claim 33, McKissick discloses sending the set of polling requests includes sending an electronic mail message (McKissick makes it clear any message with any content can be sent to a set top box in a timely fashion using an e-mail, paragraph 121).

At the time of the invention, it would have been obvious to one skilled in the art to combine the e-mail feature of McKissick, an analogous art, with the survey system of

Kurland, Oko, Shah-Nazaroff, and Chung to provide a widely known and reliable way to send the survey to the user.

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurland (US 4,603,232) in view of Oko (US 6,947,966) further in view of Shah-Nazaroff (US 2002/0053077) and in further view of Chung (US 2004/0046021) and in further view of Cook (US 5,727,950).

As regards Claim 42, Kurland, Oko, Shah-Nazaroff, and Chung disclose the method of Claim 1 but fail to disclose providing greater weight to more recently received responses. Cook discloses collecting data from a user and weighting more recently received responses greater than past responses (col. 62 line 66 to col. 63 line 7).

At the time of the invention, it would have been obvious to one skilled in the art to combine the weighting feature of Cook, an analogous art, with the survey system of Kurland, Oko, Shah-Nazaroff, and Chung to provide an up to date view of user choices.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Hunter B. Lonsberry/  
Primary Examiner, Art Unit 2623